

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, FEBRUARY 15, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
Bob Workman

Others Present: Doug Cyr, Deputy County Attorney
Kerry Eagan, Chief Administrative Officer
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, February 8, 2005.**

MOTION: Workman moved and Schorr seconded approval of the minutes of the Board of Commissioners meeting dated February 8, 2005. Schorr, Workman and Hudkins voted aye. Stevens and Heier abstained from voting. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

A. Promotion and setting of salary for Sgt. Ben Houchin, with the Lancaster County Sheriff's Office, to Captain, at \$69,300, effective February 17, 2005.

Chief Deputy County Sheriff, Bill Jarrett, introduced Sgt. Ben Houchin to the County Board. He will be promoted upon the retirement of Captain Bill Coleman.

MOTION: Heier moved and Schorr seconded approval of the promotion and setting of salary for Sgt. Ben Houchin, with the Lancaster County Sheriff's Office, to Captain, at \$69,300, effective February 17, 2005. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

2) **SPECIAL PRESENTATIONS CONTINUED:**

B. Gary Lacey, Lancaster County Attorney, introduced Eric Miller, Deputy County Attorney.

3) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

4) **CLAIMS: Approval of all claims processed through Tuesday, February 15, 2005.**

MOTION: Stevens moved and Workman seconded approval of all claims processed through February 15, 2005. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

5) **PUBLIC HEARINGS:**

A. Establishing of a County Visitors' Improvement Fund pursuant to Neb. Rev. Stat. § 81-1255 (Supp. 2003).

Kerry Eagan, Chief Administrative Officer, explained that the County established a Visitors' Promotion Fund in approximately 1980 and that proceeds from the fund could be used to attract visitors to the County and to use the travel and tourism facilities. In 2003, he said, the Legislature enabled counties to create a County Visitors' Improvement Fund of which proceeds may be used to improve tourism facilities (capital improvement).

Eagan explained that the purpose of the public hearing is decide whether to create the County Visitors' Improvement Fund. If the fund is created another public hearing would be held to determine the amount of the tax (up to two percent).

The Chair opened the public hearing.

The following individuals were administered the oath and appeared in favor of the establishment of a County Visitors' Improvement Fund citing that the creation of such a fund would encourage the tourism industry, enhance entryway signage, promote new facility pursuits, increase revenue for the lodging facilities, gas stations, restaurants, retail establishments and attractions and increase private and public collaborations:

5) **PUBLIC HEARINGS CONTINUED:**

- ▶ Wendy Birdsall, President of the Convention and Visitors' Bureau (Submitted letter from Jim Fram, President of the Chamber of Commerce, supporting the proposal (Exhibit 1))
- ▶ Thomas Lorenz, Chairman of the Visitors Promotion Council
- ▶ Linnie Green with Embassy Suites
- ▶ Nicky Smith with Townhouse Motel
- ▶ John Chapo with the Folsom Children's Zoo
- ▶ Debra Weber, Executive Director of the Lincoln Arts Council
- ▶ Bill Smith, 1140 South 20th Street, Lincoln, Nebraska
- ▶ Robb Shull with the Cornhusker Hotel

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

MOTION: Schorr moved and Stevens seconded approval of the creation of a County Visitors' Improvement Fund. Heier, Workman, Schorr, Stevens and Hudkins voted aye. Motion carried.

B. County Change of Zone 04080, from AG Agricultural District to I Industrial District, requested by Capital Concrete Company, on property generally located at the northeast corner of Highway 2 and Highway 42 (South 162nd Street) in Lancaster County, Nebraska.

The Chair opened the public hearing.

The Clerk administered the oath to Don Voges, representative of Capital Concrete.

Voges stated Capital Concrete is currently located at 431 "A" Street, however, they are requesting a zoning change relating to eight acres located at approximately 160th Street and Highway 2. He indicated they have received approval from the State of Nebraska, Department of Roads; Village of Bennet Planning Commission, Village of Bennet and the Lincoln-Lancaster County Health Department.

Voges addressed concerns regarding traffic and indicated Capital Concrete would continue the pavement to the limits of their operation. He stated continuance of the pavement through the "S" curve should alleviate safety concerns and added they have also requested the speed limit be changed to 45 miles per hour.

5) **PUBLIC HEARINGS CONTINUED:**

Extensive discussion took place regarding dust, noise, water supply, traffic flow and establishment of a buffer in relation to a neighbor to the north.

The Chair asked if anyone wished to testify in opposition.

The following individuals were administered the oath and appeared opposition noting the following concerns: increase in traffic, quality of life, water flow, dust, decreased property values, air pollution, light pollution, runoff, alternative locations and poor access:

- ▶ Doug Jose, 8900 South 162nd Street, Bennet, Nebraska
- ▶ John McMahon, 9500 South 162nd Street, Bennet, Nebraska
- ▶ Anita Schott, 6555 South 148th Street, Walton, Nebraska
- ▶ Gerald Fletcher, 1351 Prairie View Road, Eagle, Nebraska

Submitted into record was a letter, dated February 11, 2005, from Eldon L. Beavers, in opposition to the proposal (Exhibit 2).

In response to a question asked by Workman, Voges explained their original application was for a change of zone on 28.56 acres, however, the request was reduced to approximately eight acres, as recommended by the Planning Department.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

Mike DeKalb, Planning Department, explained that staff recommendation of the zoning change for eight acres versus 20 wasn't driven by the Comprehensive Plan. He said it was their concern that if the County Board approved a blanket "Industrial" zoning for the entire 28.56 acres, with no conditions, there could potentially be 280,000 square feet of retail space going in at that location.

A letter, dated February 3, 2005, from Kristy Mundt, Deputy County Attorney, requesting deferral of County Change of Zone 04080 for further review was made a part of the record (Exhibit 3).

Schorr asked if it would be possible to reconfigure the proposal to move the plant further away from the neighbor to the north.

5) **PUBLIC HEARINGS CONTINUED:**

MOTION: Stevens moved and Workman seconded to place on pending County Change of Zone 04080, from AG Agricultural District to I Industrial District, requested by Capital Concrete Company, on property generally located at the northeast corner of Highway 2 and Highway 42 (South 162nd Street) in Lancaster County, Nebraska.

Heier noted for the record that he has land interest one mile in one direction and a mile and a half in another direction.

Schorr requested the applicant to submit a new plan moving the location of the redi-mix concrete plant further to the south.

ROLL CALL: Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

Board consensus was for Kerry Eagan, Chief Administrative Officer, to request a legal opinion from the County Attorney's Office based upon their letter and concerns.

C. An application for an amusement license from David Samani to hold an off-road vehicle (motocross) demonstration at 8800 Kolbrook Road in connection with the National Kawasaki Plant Regional Distributor Convention. The event will begin on Sunday, June 12, 2005 and run through Thursday, June 16, 2005. Hours of operation will be 9 a.m. to 6 p.m. each day.

The Chair read into the record a facsimile from David Samani requesting withdrawal of the application for an amusement license (a copy of the facsimile is filed with the application).

The Chair opened the public hearing and asked if anyone wished to testify in favor, opposition or in a neutral position.

No one appeared and the hearing was closed.

6) **OLD BUSINESS:**

- A. An application for an amusement license from Cara Carney and Brad Bray to hold a country music festival on August 13 and August 14, 2005 at 15305 Van Dorn Street, Walton, Lancaster County, Nebraska. Hours for the festival will be 10 a.m. to 1 a.m. on Saturday and from 9 a.m. to 8 p.m. on Sunday.**

Cara Carney, co-applicant, distributed and briefly discussed the following documentation (Exhibit 4):

- ▶ Summary of application requirements
- ▶ Site map

Discussion followed regarding livestock, security around neighboring buildings, fire and rescue, trash pickup on neighboring property, amplification of music, overnight camping, detailed site map showing dimensions, free water, trespassing, eight hour recess between the closing of the festival on August 13th and the start time on the 14th, insurance and signed hold harmless agreement.

MOTION: Schorr moved and Heier seconded to place the application for an amusement license from Cara Carney and Brad Bray to hold a country music festival on August 13 and August 14, 2005 at 15305 Van Dorn Street, Walton, Lancaster County, Nebraska on pending subject to receipt of a signed hold harmless agreement (liability waiver), proof of insurance and a detailed site map. Stevens, Heier, Schorr and Hudkins voted aye. Workman voted no. Motion carried.

- B. An application for a special designated license from Four Sons, Inc. d/b/a Trackside Bar, located at 13901 Guildford in Waverly, Nebraska to provide liquor beverage service in relation to an application for an amusement license (Old Business Item 6A) from Cara Carney and Brad Bray to hold a country music festival on August 13 and August 14, 2005.**

Todd Corliss and Craig Blake, applicants, appeared and stated all attendees at the festival would be carded and given proper identification bracelets. They added the area to be designated for purchasing alcohol would be a fenced tent.

6) **OLD BUSINESS CONTINUED:**

MOTION: Stevens moved and Schorr seconded to place on pending an application for a special designated license from Four Sons, Inc. d/b/a Trakside Bar, located at 13901 Guildford in Waverly, Nebraska to provide liquor beverage service in relation to an application for an amusement license from Cara Carney and Brad Bray to hold a country music festival on August 13 and August 14, 2005. Heier, Stevens, Schorr and Hudkins voted aye. Workman voted no. Motion carried.

7) **NEW BUSINESS:**

A. A maintenance service agreement with Election Systems & Software, Inc. for maintenance for the voter tabulation equipment (counting machines) utilized by the Lancaster County Election Commission's Office. The agreement will be in effect for a one year period beginning October 1, 2004. The County will pay \$6,750 for the services. (C-05-0090)

Dave Shively, Election Commissioner, gave a brief overview of the maintenance agreement.

Heier and Hudkins expressed concern regarding additional fees.

MOTION: Workman moved and Stevens seconded approval of a maintenance service agreement with Election Systems & Software, Inc. for maintenance for the voter tabulation equipment (counting machines) utilized by the Lancaster County Election Commission's Office. Workman and Stevens voted aye. Schorr, Heier and Hudkins voted no. Motion failed.

B. A letter agreement with the State of Nebraska, Department of Roads for transportation services in rural areas in Lancaster County. The agreement extends the original interlocal agreement, previously executed by the County on August 26, 2003, under County Contract C-03-0447. The new term of the agreement is July 1, 2004 through June 30, 2005. The Federal share of funds will be \$28,291, the State share of funds will be \$14,777 and the County share of funds will be \$15,357. (C-05-0089)

7) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Stevens seconded approval of a letter agreement with the State of Nebraska, Department of Roads for transportation services in rural areas in Lancaster County. The agreement extends the original interlocal agreement, previously executed by the County on August 26, 2003, under County Contract C-03-0447. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

C. An agreement with Green Gateau Reception Center to host the Lancaster County Employee Recognition Luncheon on Tuesday, May 17, 2005. (C-05-0099)

MOTION: Schorr moved and Workman seconded approval of an agreement with Green Gateau Reception Center to host the Lancaster County Employee Recognition Luncheon on Tuesday, May 17, 2005. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

D. An amendment to an agreement with Family Services d/b/a CF Star, under County Contract C-04-0274, for wraparound services to youth who are wards of the State of Nebraska Health and Human Services southeastern service area and reside in Lancaster County. The County desires an additional care coordinator and as a result, the parties wish to amend the compensation from \$380,226.07 to \$407,796.72. (C-05-0088)

MOTION: Workman moved and Stevens seconded approval of an amendment to an agreement with Family Services d/b/a CF Star, under County Contract C-04-0274, for wraparound services to youth who are wards of the State of Nebraska Health and Human Services southeastern service area and reside in Lancaster County.

Schorr requested that the amendment be held for one week.

Workman withdrew his motion.

By direction of the Chair, this item was held for one week.

7) **NEW BUSINESS CONTINUED:**

E. Recommendation from the Purchasing Agent and the printing services analysis committee to award a Request for Proposal (RFP) for annual requirements for quick copy and offset printing for the combined annual requirements for Lancaster County and the City of Lincoln. The estimated annual award for offset printing is \$300,000 and \$200,000 for quick copy (total combined County/City requirements). (B-05-0006)

MOTION: Workman moved and Heier seconded approval to award a Request for Proposal (RFP) for annual requirements for quick copy and offset printing for the combined annual requirements for Lancaster County and the City of Lincoln. The estimated annual award for offset printing is \$300,000 and \$200,000 for quick copy (total combined County/City requirements). Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

F. Adoption of the revised Lancaster County General Assistance Guidelines, effective February 16, 2005.

MOTION: Stevens moved and Schorr seconded approval of the adoption of the revised Lancaster County General Assistance Guidelines, effective February 16, 2005. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

G. Appointment of James Douglas to the Lincoln-Lancaster County Ecological Advisory Committee for a three year term beginning January 1, 2005.

MOTION: Stevens moved and Workman seconded approval of the appointment of James Douglas to the Lincoln-Lancaster County Ecological Advisory Committee for a three year term beginning January 1, 2005. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

8) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. Clerk of the District Court's Monthly Report for January, 2005.
2. County Engineer's Quarterly Report for the Geographic Information System (GIS) for October, November and December, 2004.
3. County Engineer's Quarterly Report for October, November and December, 2004.
4. Noxious Weed Control Authority's Monthly Report for January, 2005.
5. Noxious Weed Control Authority's Monthly Report for the Combined Weed Program with the City of Lincoln for January, 2005.
6. Records and Information Management's Monthly Report for January, 2005.

B. Setting of public hearings for Tuesday, March 1, 2005 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:

1. Automatic renewal of retail liquor and beer licenses issued in Lancaster County and outside the corporate limits of any city, pursuant to Resolution 00-148 adopted December 12, 2000 for which the County Clerk has received no protests.
2. County Special Permit 04066, West Yankee Hill Acres Community Unit Plan, requested by Brian D. Carstens and Associates on behalf of Country Plaza, L.L.C., for eight single family residential acreage units, and associated waiver requests, on property generally located west of the intersection of Southwest 98th Street and West Yankee Hill Road in Lancaster County, Nebraska.
3. County Preliminary Plat 04029, West Yankee Hill Acres, requested by Brian D. Carstens and Associates on behalf of Country Plaza, L.L.C., for eight single family residential acreage lots, and associated waiver requests, on property generally located west of the intersection of Southwest 98th Street and West Yankee Hill Road in Lancaster County, Nebraska.

8) **CONSENT ITEMS CONTINUED:**

C. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following individuals:

- ▶ Anthony William Tvrdy, in the amount of \$194, east of North 70th Street on Branched Oak Road; Project C.P.-185. (C-05-0091)
- ▶ Kenneth M., Elaine A. and Loree A. Thayer, in the amount of \$27, at Southwest 119th Street and West Midway Road; Project C.P.N-166. (C-05-0092)
- ▶ Galen R. Spath, in the amount of \$784, east of the intersection at Northwest 70th Street and McKelvie Road; Project C.P.E-29. (C-05-0093)
- ▶ Dwayne A. and Sandra E. Pospisil, in the total amount of \$641.28, approximately one-half mile west of the intersection at Southwest 86th Street and West Princeton Road; Project C.P.V-138. (2 contracts) (C-05-0094 and C-05-0095)
- ▶ Gary Blomstrom, in the total amount of \$5,304, at Rock Creek Road and North 141st Street; Project BRO-7055(101), Waverly North. (3 contracts) (C-05-0096 through C-05-0098)

MOTION: Heier moved and Workman seconded approval of the Consent Items. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

9) **OTHER BUSINESS:**

David Samani, 2504 Ridge Road, Lincoln, Nebraska, appeared and expressed his concerns relating to the Kawasaki National Distributor meeting in Lincoln.

10) **ADJOURNMENT:**

MOTION: Schorr moved and Heier seconded adjournment of the Board of Commissioners meeting at 4:35 p.m.. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, FEBRUARY 15, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
Bob Workman

Others Present: Doug Cyr, Deputy County Attorney
Kerry Eagan, Chief Administrative Officer
Scott Gaines, Chief Administrative Deputy County
Assessor/Register of Deeds
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 4:35 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, February 8, 2005.**

MOTION: Schorr moved and Workman seconded approval of the minutes of the Board of Equalization meeting dated February 8, 2005. Schorr, Workman and Hudkins voted aye. Stevens and Heier abstained from voting. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting continued as planned.

- 3) **ADDITIONS AND DEDUCTIONS:**

Approval of 269 additions and deductions to the tax assessment rolls per Exhibit A.

Scott Gaines, Chief Administrative Deputy County Assessor/Register of Deeds, explained Voucher Numbers 1506-04 through 1532-04 should be removed due to recapture on a newly platted subdivision. He stated until they verify that the use has changed they are unable to conduct a recapture.

MOTION: Workman moved and Schorr seconded approval of the additions and deductions to the tax assessment rolls subject to the removal of Voucher Numbers 1506-04 through 1532-04. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

Catholic Social Services
Cornhusker Place Inc.
Mid-America Union Conference of Seventh-day Adventists
Sisters of St. Francis
Tabitha, Inc.
Villa Marie School

MOTION: Stevens moved and Workman seconded approval of the motor vehicle tax exemptions. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 4:37 p.m.. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk